

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re:)	
)	Chapter 7, No. 23-40709
WESTBOROUGH SPE LLC)	
)	
Debtor)	

**TRUSTEE'S OBJECTION TO CREDITOR'S MOTION FOR ORDER DIRECTING
TRUSTEE TO ABANDON CLAIMS OR PURSUE CLAIMS BELONGING
TO THE BANKRUPTCY ESTATE**

NOW comes JONATHAN R. GOLDSMITH, the duly appointed, qualified and acting Trustee ("Trustee") in the above-captioned case, and hereby files this Response to the Creditor's Motion for Order Directing Trustee to Abandon Claims or Pursue Claims Belonging to the Bankruptcy Estate ("Motion"). In support of this Objection, the Trustee responds to each and every numbered paragraph of the Motion as follows:

1. The Trustee admits the allegations contained in Paragraph 1.1 of the Motion.
2. The Trustee has insufficient knowledge to admit or deny the allegations contained in Paragraph 1.2 of the Motion; further answering, these potential claims were not listed as assets on the Debtor's bankruptcy schedules.
3. The Trustee has insufficient knowledge to admit or deny the allegations contained in Paragraph 2.1 of the Motion;
4. The Trustee has insufficient knowledge to admit or deny the allegations contained in Paragraph 2.2 of the Motion.
5. The Trustee has insufficient knowledge to admit or deny the allegations contained in Paragraph 2.3 of the Motion.
6. The Trustee has insufficient knowledge to admit or deny the allegations contained in Paragraph 2.4 of the Motion.
7. The Trustee has insufficient knowledge to admit or deny the allegations contained in Paragraph 2.5 of the Motion.

8. The Trustee has insufficient knowledge to admit or deny the allegations contained in Paragraph 2.6 of the Motion.
9. The Trustee admits that he has received funds from the California State Controller, but denies the remaining allegations set forth in 2.7 of the Motion.
10. The Trustee has insufficient knowledge to admit or deny the allegations contained in Paragraph 2.8 of the Motion, but admits the summary statement regarding the Supreme Court ruling in Lamie v. United State Trustee.
11. The Trustee denies the allegations contained in Paragraph 3.1 of the Motion.
12. The Trustee has not yet determined whether the claims noted in Section 3.2 of the Motion are significant assets of the estate. As such, the Trustee can neither admit nor deny the allegations contained in Paragraph 3.2 of the Motion.
13. The Trustee denies the allegations contained in Paragraph 4.1 of the Motion; further answering, the Trustee submits that at this time there are other more pressing matters to address in this case. Moreover, to the extent that there are valid claims and the statute of limitations to pursue such claims had not expired prior to the filing of the bankruptcy case, the Trustee still has time to pursue such claims pursuant to 11 U.S.C. §108(a).
14. In response to 4.2 of the Motion, the Trustee has not yet determined whether or not to pursue said claims; further answering, if these claims were to be abandoned by the Trustee they would revert back to the Debtor and not the creditor to pursue.

WHEREFORE, the Trustee requests the entry of the following Orders:

1. That the Creditor's Motion for Order Directing Trustee to Abandon Claims or Pursue Claims Belonging to the Bankruptcy Estate (Docket #166) be denied; and
2. For such other and further relief as is just and proper.

JONATHAN R. GOLDSMITH, TRUSTEE IN
BANKRUPTCY FOR WESTBOROUGH SPE
LLC

Dated: 6/5/24

By: /s/ Jonathan R. Goldsmith, Esq.
JONATHAN R. GOLDSMITH, ESQ.
(BBO No. 548285)
GOLDSMITH, KATZ & ARGENIO, P.C.
1350 Main Street, 15th Floor
Springfield, MA 01103
Tel: (413) 747-0700

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CERTIFICATE OF SERVICE

I, JONATHAN R. GOLDSMITH, ESQ., of GOLDSMITH, KATZ & ARGENIO, P.C., 1350 Main Street, 15th Floor, Springfield, MA 01103, do hereby certify that I served a copy of the within Response upon those parties listed on the attached Exhibit "A" by electronic mail or by mailing, first class mail, postage prepaid, on this 5th day of June, 2024:

/s/ Jonathan R. Goldsmith, Esq.
JONATHAN R. GOLDSMITH, ESQ.

The MobileStreet Trust
225 Turnpike Road
Westborough, MA 01581-2807

Westborough SPE LLC
231 Turnpike Road
Westborough, MA 01581-2807

Darin Clagg
24 Kobbs Korner Rd
Pine Bush, NY 12566-5302

Allen Hight
The MobileStreet Trust
12 Cole Road
Wayland, MA 01778-3145

Richard King, Esq.
Office of US. Trustee
446 Main Street, 14th Fl.
Worcester, MA 01608-2361

Matthew A. Morris, Esq.
Sherin and Lodgen, LLP
101 Federal Street, 30th Floor
Boston, MA 02110-2109

David M. Ferris
Ferris Development Group, LLC
118 Turnpike Rd., Ste. 300
Southborough, MA 01772-2133

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Lolonyon Akouete
800 Red Milles Rd
Wallkill NY 12589,

Jose Centeio, Esq.
Nathanson & Goldberg, P.C.
183 State Street, 5th Floor
Boston, MA 02109-2666

Ferris Development Group, LLC
c/o Paul W. Carey, Esq.
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1425

The MobileStreet Trust
12 Cole Road
Wayland, MA 01778-3145

Walter Horst
Babcock & Brown
1264 Rimer Drive
Moraga, CA 94556-1727

Town of Westborough
34 West Main Street
Westborough, MA 01581-1998

Denise Edwards
137 North 25th Street
Wyandanch, NY 11798-2002

Nathanson & Goldberg, P.C.
c/o Stephen F. Gordon, Esq.
The Gordon Law Firm LLP
57 River Street
Wellesley, MA 02481

Town of Westborough
c/o Roger L. Smerage, Esq.
KP Law, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110-1109

Town of Westborough
c/o Brian W. Riley, Esq.
KP Law, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110-1109

Town of Westborough
c/o Jeffrey T. Blake, Esq.
KP Law, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110-1109

Lolonyon Akouete
P.O. Box 121
Wallkill, NY 12889

Gary M. Ronan
David M. Abromowitz
Goulston & Storrs
400 Atlantic Avenue
Boston, MA 02110